

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X		
JOHN ANDREW FLORES,	:	
Plaintiff,	:	
	:	24-CV-2969 (RA) (OTW)
-against-	:	
	:	<u>ORDER</u>
STEVEN MONTIGNY and ALDEN KING,	:	
	:	
Defendants.	:	
-----X		

ONA T. WANG, United States Magistrate Judge:

The Court is in receipt of ECF 41, Assistant Attorney General Daniel Luedtke’s letter responding to my Order of March 6, 2025.

On April 10, 2025, Plaintiff, who is incarcerated and proceeds *pro se*, filed a letter, docketed May 5, 2025, requesting an extension of time to serve Defendant Montigny. (ECF 38). In his letter, Mr. Flores noted that, although the United States Marshals Service has attempted to personally serve Defendant Montigny three times, those attempts have been unsuccessful. (ECF 38). (*See also* ECF 31). Mr. Flores also stated that he had asked Assistant Attorney General Daniel Luedtke, who represents Defendant King, if he would be willing to accept service on Defendant Montigny’s behalf. (ECF 38). Mr. Flores reported that Mr. Luedtke declined, because he does not represent Defendant Montigny. (ECF 38). Mr. Flores stated that he had asked Mr. Luedtke, “if Steven Montigny was to be served, just to clarify, you would not be representing him, is that correct?” (ECF 38). As of April 10, Mr. Luedtke had not responded.

On May 6, 2025, the Court directed the New York Office of the Attorney General, who represents Defendant King in this action, to respond to Mr. Flores’s letter at ECF 38, explaining:

It appears that the U.S. Marshals Service has thus far been unable to serve Defendant Montigny, despite three attempts to serve him personally at a home address provided by the New York Office of the Attorney General, and an attempt to effectuate service by mail. (See ECF Nos. 14, 31). The Court is concerned that Defendant Montigny is attempting to evade service. (ECF 39).

Accordingly, on May 6, 2025, the Court directed the Office of the Attorney General to respond to Mr. Flores's letter. (ECF 39).

Instead, the Attorney General's Office decided to respond literally and solely to Mr. Flores's request to confirm that they would not represent Defendant Montigny if he were served with the complaint.¹ (ECF 41). Mr. Luedtke says **nothing** in response to the concerning fact that the U.S. Marshals Service has been unable to serve Defendant Montigny at an address **provided by the Office of the Attorney General pursuant to a *Valentin* Order issued on May 1, 2024, over one year ago.** (ECF 41). (See ECF Nos. 6, 14).

The Attorney General's Office has not complied with the Court's May 6 Order. The Court also questions whether the Attorney General's Office should provide an updated response to the Court's *Valentin* Order. Accordingly, the Office of the Attorney General will be given an extension of time, to **5:00 p.m. Monday, May 19, 2025**, to comply with the Court's May 6 Order by submitting a letter that fulsomely responds to Mr. Flores's letter, including: (1) identifying whether Defendant Montigny still works for the Department of Corrections²; and (2) providing an address at which he can be reached. Counsel may file a copy of the letter under seal, providing the address, and a copy on the public docket, with the address redacted.

¹ See also ECF 25, in which Mr. Luedtke makes substantially the same representations.

² As of September 6, 2024, the DOCCS' Counsel's Office has represented that Defendant Montigny could not be served at work because "he is currently not working pursuant to a Notice of Discipline." (ECF 14).

The Office of the Attorney General is further directed to serve a copy of this Order on Defendant Montigny forthwith and file such proof of service on the docket.

The Clerk of Court is directed to serve a copy of this Order on *pro se* Plaintiff.

SO ORDERED.

Dated: New York, New York
May 16, 2025

s/ Ona T. Wang

Ona T. Wang
United States Magistrate Judge